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April 28, 2023

**Via ECF**

The Honorable Stephanie A. Gallagher  
United States District Judge  
United States District Courthouse  
101 W. Lombard Street  
Baltimore, Maryland 21202

Re: *City of Annapolis v. BP P.L.C., et al.*, and *Anne Arundel County v. BP P.L.C., et al.*,  
Nos. 21-cv-00772-SAG and 21-cv-01323-SAG

Dear Judge Gallagher,

Your Honor's Memorandum Opinion on Defendants' Motion to Stay instructs the parties "to keep this Court apprised of updates in the related cases pending before the Supreme Court." *Annapolis*, Dkt. 183 at 10; *Anne Arundel*, Dkt. 160 at 10. In particular, Your Honor's Opinion notes that "Defendants have formally petitioned the Supreme Court to review the Fourth Circuit's decision" in *BP P.L.C. v. Mayor & City Council of Baltimore*, No. 22-361 (U.S.), and that the Supreme Court "invited the Solicitor General to express the views of the United States on the related Tenth Circuit petition" in *Suncor Energy (U.S.A.), Inc. v. Board of County Commissioners of Boulder County*, No. 21-1550, 2023 WL 3046222 (U.S.).

Pursuant to that directive, Plaintiffs City of Annapolis and Anne Arundel County write to notify Your Honor that on April 24, 2023, the U.S. Supreme Court denied petitions for writs of certiorari in both cases. *See BP P.L.C. v. Mayor & City Council of Baltimore*, No. 22-361, 2023 WL 3046224 (U.S. Apr. 24, 2023); *Suncor Energy, Inc. v. Bd. of Comm'rs of Boulder Cnty.*, No. 21-1550, 2023 WL 3046222 (U.S. Apr. 24, 2023). The Court also denied materially similar petitions in three cases from the First and Ninth Circuits that the parties discussed in their briefing. *See Shell Oil Prods. Co. v. Rhode Island*, No. 22-524, 2023 WL 3046229 (U.S. Apr. 24, 2023); *Chevron Corp. v. San Mateo Cnty.*, No. 22-495, 2023 WL 3046226 (U.S. Apr. 24, 2023); *Sunoco LP v. Honolulu*, No. 22-523, 2023 WL 3046227 (U.S. Apr. 24, 2023). The Supreme Court's April 24 Order List is attached as **Exhibit A**. The relevant denials appear on page four.

The Supreme Court's order leaves in place the Fourth Circuit precedent controlling remand of this case. *See Mayor & City Council of Baltimore v. BP P.L.C.*, 31 F.4th 178 (4th Cir. 2022). Accordingly, the Fourth Circuit will almost certainly affirm this court's order remanding Plaintiffs' lawsuit to state court. Because the Supreme Court has denied the petitions whose pendency formed the basis for this court's stay order, there is no longer any reason to stay proceedings in this case.

Respectfully submitted,

/s/ Victor M. Sher

Victor M. Sher

**Sher Edling LLP**

*Counsel for Plaintiffs-Appellees  
Anne Arundel County, Maryland and  
City of Annapolis, Maryland*

cc: All Counsel of Record (via ECF)